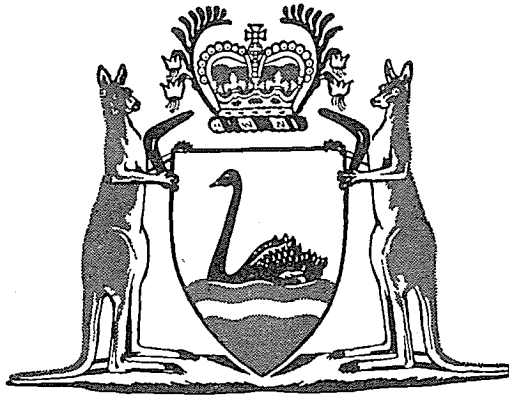


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OF

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SHIPPING AND PILOTAGE ACT 1967.

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## SHIPPING AND PILOTAGE (PORT OF DAMPIER) REGULATIONS 1984.

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## Shipping and Pilotage Amendment Act 1984.

## PROCLAMATION

WESTERN AUSTRALIA } By His Excellency Professor Gordon Reid, Governor  
GORDON REID, } in and over the State of Western Australia and  
Governor. } its Dependencies in the Commonwealth of Australia.  
[L.S.]

PURSUANT to section 2 of the Shipping and Pilotage Amendment Act 1984, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix 1 November 1984 as the day on which the Shipping and Pilotage Amendment Act 1984 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, on the 21st day of August, 1984.

By His Excellency's Command,

JULIAN GRILL,  
Minister for Transport.

GOD SAVE THE QUEEN !

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Western Australia.

SHIPPING AND PILOTAGE  
(PORT OF DAMPIER)  
REGULATIONS 1984.

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SHIPPING AND PILOTAGE ACT 1967.

**SHIPPING AND PILOTAGE  
(PORT OF DAMPIER)  
REGULATIONS 1984.**

MADE by His Excellency the Governor in Executive Council.

## PART I—PRELIMINARY.

1. These regulations may be cited as the Shipping and Pilotage (Port of Dampier) Regulations 1984. Citation.
  
2. These regulations operate on and from the day on which the Shipping and Pilotage Amendment Act 1984 comes into operation. Commencement.
  
3. In these regulations, unless the contrary intention appears— Interpretation.
  - “approved” means approved by the Harbour Master;
  - “coasting vessel” means a vessel solely employed in trade between ports of the State;
  - “company wharf” means any wharf within the Port that—
    - (a) within the meaning of “the Agreement” as defined in the Iron Ore (Hamersley Range) Agreement Act 1963 is “the Company’s wharf”;
    - (b) has been constructed pursuant to, and is used for the purposes of, the Dampier Solar Salt Industry Agreement Act 1967 by “the Company” within the meaning of that Act; or
    - (c) has been constructed pursuant to, and is used for the purposes of, the North West Gas Development (Woodside) Agreement Act 1979 by “the Joint Venturers” within the meaning of that Act;
  - “dangerous goods” means any substance—
    - (a) declared under the Explosives and Dangerous Goods Act 1961 to be dangerous goods; or
    - (b) specified under regulation 4 to be dangerous goods for the purposes of these regulations;
  - “Harbour Master” means the person appointed under section 4 of the Act to be the harbour master of the Port;
  - “International Code”, followed by a reference to a designated flag or signal, refers to the flag or signal so designated in the publication known as the International Code of Signals (1969 Edition) produced under the auspices of the International Maritime Organisation;
  - “International Maritime Dangerous Goods Code” means the International Maritime Dangerous Goods Code (1977 Edition) published by the International Maritime Organisation as read with the appropriate Australian Supplement published by that body, and includes any amendments thereto made and published by that body;
  - “International Maritime Organisation” means the International Maritime Organisation (formerly known as the Intergovernmental Maritime Consultative Organisation) of the body known as the United Nations Organisation;

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"interstate vessel" means a vessel registered or owned within the Commonwealth that is solely employed in trading between ports in the Commonwealth;

"master", in relation to a vessel, means the person for the time being having the command, charge, custody, or control of the vessel, other than a pilot;

"owner", in relation to a vessel, includes every person who—

- (a) jointly or severally, is entitled in law or equity to any share or interest in the vessel;
- (b) is the charterer of the vessel; or
- (c) is the agent of a person who is the owner within the meaning of these regulations;

"pilot" means a person appointed under section 4 of the Act to be a pilot at the Port;

"pilot boarding ground" means an area described in the First Schedule;

"pilotage exemption certificate" means a pilotage exemption certificate granted and issued under regulation 21;

"pleasure vessel" has the meaning given to that expression by section 98 of the Western Australian Marine Act 1982;

"port installation" means any facility (whether above or below high water mark and whether or not within the Port) that is for the improvement, protection, management, maintenance, repair, or use of the Port or a wharf and without limiting the generality of the foregoing, includes any buoy, beacon, harbour light, or other aid to navigation;

"Prevention of Collisions at Sea Regulations 1983" means the regulations of that title\* made under the Western Australian Marine Act 1982;

"Table" means a table in the Second Schedule;

"the Port" means the place for the time being declared to be the Port of Dampier by or under the Act;

"tonnage", in relation to a vessel, means the gross registered tonnage of the vessel calculated or determined in accordance with regulation 18A of the Ports and Harbours Regulations\*\* in force under the Act, and "tons" has a corresponding meaning;

"vessel" includes ship, hulk, boat, barge, lighter, flat, and any other type of marine craft however propelled;

"vessel of war" means a vessel built for combatant service or converted for that purpose that—

- (a) is owned or otherwise directly managed or controlled by the government of the United Kingdom or of any of Her Majesty's states, dominions, or colonies, or by the government of any foreign country that is a party with the government of the Commonwealth to any defence alliance; and
- (b) is not engaged in trade,

but does not include a vessel used solely for the transport of troops, stores or equipment;

"wharf" includes any jetty or structure to which a vessel may be made fast or from which passengers or goods may be taken or loaded on board or onto which passengers or goods may be disembarked or unloaded from a vessel;

"Woodside Product Terminal" means the Woodside product loading jetty and all works and facilities connected with, or incidental to, that jetty.

\* Published in the *Government Gazette* on 1 July 1983.

\*\* Published in the *Government Gazette* on 3 February 1966.



4. The Minister may, by notice published in the *Government Gazette*, specify goods to be dangerous goods for the purposes of these regulations in addition to those goods that are referred to in paragraph (a) of the definition of "dangerous goods" and may, in the notice, classify such goods for the purposes of these regulations as flammable liquid, flammable gas or otherwise as he sees fit.

Goods may be specified to be dangerous goods.

5. (1) Subject to this regulation, these regulations apply to and in relation to the Port.

Application.

(2) To the extent that the application of any of these regulations, or the exercise of any power conferred by these regulations, would unduly prejudice or interfere with the Company's operations under the Agreement, these regulations shall not apply in relation to, and a power conferred by these regulations shall not be exercised in relation to, the Company's wharf or a vessel berthed at the Company's wharf.

(3) Subject to subregulation (2), where there is any inconsistency between these regulations or a requirement made under these regulations and the by-laws or a requirement made under the by-laws, these regulations or the requirement made under these regulations prevails and, to the extent of the inconsistency, the by-laws or requirement thereunder do not apply.

(4) In this regulation, "the Agreement" has the meaning given to that expression by the Iron Ore (Hamersley Range) Agreement Act 1963, and "the by-laws", "the Company's operations", and "the Company's wharf" have the same meaning as those expressions have in clause 10 (2) (f) of the Agreement.

(5) For the purpose of applying these regulations to or in relation to a vessel, dangerous goods for use as fuel for the propulsion of the vessel shall, unless the contrary intention appears, be disregarded.

6. The Harbour Master may, where in his opinion the circumstances of the case warrant his so doing and the safety of any person or property will not thereby be endangered, exempt persons in writing from all or any of the requirements of these regulations and may make such exemption absolute or for such term, upon such conditions, or otherwise subject to such limitations, as are referred to in the exemption and any exemption so given shall have effect according to its tenor.

Exemption.

PART II—SIGNALS.

7. For the purposes of these regulations—

Prescribed signals.

- (a) the signals described in column 2 of Table 1 are prescribed for the purposes respectively set out in column 1 of that Table; and
- (b) the signals described in Table 2 are prescribed for the purpose respectively set out in that Table.

8. (1) The master of a vessel that has on board dangerous goods shall ensure that, when the vessel enters and at all times when the vessel is in the Port, the signals prescribed in item 3 of Table 1 are exhibited in accordance with that item.

Vessels carrying dangerous goods.

(2) For the purposes of subregulation (1) a vessel that has had on board dangerous goods shall be regarded as having on board dangerous goods until—

- (a) an approved person has certified in writing that the vessel has been tested in an approved manner and found to be, for the purposes of this subregulation, sufficiently free of dangerous goods and gases and vapours resulting therefrom; or
- (b) the Harbour Master is otherwise satisfied that the vessel is, for the purposes of this subregulation, sufficiently free of dangerous goods and gases and vapours resulting therefrom.

9. (1) The master of a vessel shall, when the vessel is in the Port in circumstances described in Table 2, ensure that the signal prescribed in that Table for the purpose is exhibited in accordance with that Table.

Other mandatory signals.

(2) Where by reason of the size of a vessel engaged in diving operations it would not be practicable to exhibit a signal required by subregulation (1) and Table 2, it is sufficient compliance with that requirement if a rigid replica of the International Code Flag "A" not less than 1 metre in height is so exhibited as to ensure all round visibility.

(3) The master of a power-driven vessel constrained by her draught shall ensure that, when the vessel enters and at all times when the vessel is in the Port, 3 all-round red lights in a vertical line are, or a cylinder is, so exhibited as to ensure all round visibility.

Signalling requirements not exclusive.

10. A requirement of this Part to exhibit a signal is in addition to any other requirement to exhibit or use a signal, whether arising under this Part or otherwise.

Improper signals.

11. The master of a vessel shall not use or exhibit or cause or permit any person on the vessel to use or exhibit—

- (a) a signal described in Table 1 or Table 2 except for the purpose for which that signal is prescribed; or
- (b) for a purpose set out in Table 1 or Table 2, a signal other than the signal prescribed for that purpose.

### PART III—PILOTAGE.

#### *Division 1—General.*

Notice of entry.

12. The master of a vessel intending to enter the Port shall, unless it is impracticable to do so, notify the Harbour Master at least 24 hours before the intended time of entry of his intention and shall when so notifying the Harbour Master, advise him as to whether the equipment and machinery for the navigation and propulsion of the vessel are fully operational for the purposes of safely piloting and berthing the vessel.

Requirement to use pilotage facilities.

13. (1) Subject to subregulation (2), the master of a vessel other than—

- (a) a vessel of war; or
- (b) a vessel the tonnage of which does not exceed 150 tons,

shall not cause or permit the vessel to enter or depart from the Port and, unless with the consent of the Harbour Master, shall not cause or permit the vessel to move within the Port, except under the direction of a pilot.

(2) Subregulation (1) does not apply to the master of—

- (a) a coasting vessel or an interstate vessel entering or departing from the Port; or
- (b) a vessel exclusively used either—
  - (i) in the carrying out of harbour construction works within the Port;
  - or
  - (ii) for offshore works connected with the development or operation of the Port,

entering, departing from, or moving within, the Port,

if the master holds an appropriate pilotage exemption certificate.

(3) For the purposes of these regulations a vessel is under the direction of a pilot notwithstanding that a pilot is not on board that vessel if the vessel is guided by another vessel that has on board a pilot for the purpose of so guiding the vessel.

Provision to be made for pilot to board or leave vessel.

14. (1) Where—

- (a) the master of a vessel wishes to enter the Port and, for the purposes of complying with regulation 13, a pilot is to be taken on board; or

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- (b) a vessel has, for the purposes of complying with regulation 13, departed from the Port under the direction of a pilot who is on board the vessel and the pilot has discharged his duties,
- the master of the vessel shall ensure that the requirements of subregulation (2) are complied with.
- (2) The requirements referred to in subregulation (1) are that the vessel—
- (a) shall lay to on the pilot boarding ground specified by the Harbour Master so as to provide the best possible lee;
  - (b) shall be provided, on the lee side, with a pilot ladder that is fitted with spreaders and, if the pilot is to board or, as the case may be, leave the vessel at night, is suitably illuminated, and shall be provided with a man-rope made of natural fibres on either side of the ladder and made fast to the vessel independently of the ladder; and
  - (c) have all scuppers and sanitary or other refuse outlets near the pilot ladder closed.
- (3) Where the point of access to a vessel is more than 9 metres above sea level, the pilot ladder required by subregulation (2) (b)—
- (a) shall be rigged at an open gangway door the sill of which is not more than 9 metres above sea level; or
  - (b) shall be rigged immediately adjacent to, and shall extend at least 2 metres above, the lower platform of an accommodation ladder provided for the purposes of access to and egress from the vessel.
- (4) Where an accommodation ladder is provided as mentioned in subregulation (3) (b)—
- (a) the accommodation ladder shall be as near the mid-length of the vessel as is practicable and shall lead aft;
  - (b) the lower end of the accommodation ladder shall be not more than 9 metres above sea level and rest firmly against the side of the vessel; and
  - (c) precautions shall be taken to bowse-in the accommodation ladder falls against the roll of the vessel.
15. The master of a vessel on board which a pilot has been taken shall—
- (a) declare to the pilot the draught of the vessel and the manoeuvring characteristics of the vessel;
  - (b) by day, ensure that the International Code Flag "H" is so flown as to be easily discernible from a reasonable distance; and
  - (c) by night, ensure that 2 white lights in a vertical line are so exhibited as to ensure all round visibility for at least 2 nautical miles.
16. The master of a pilot vessel shall ensure that whenever the pilot vessel is in service—
- (a) by day, a flag of which the upper half is white and the lower half is red is so flown from the pilot vessel as to be easily discernible from a reasonable distance; and
  - (b) by night, lights are exhibited as described in Rule 29 of the rules set out in the Prevention of Collisions at Sea Regulations 1983.
17. The master of a vessel being employed to tow, move, or in any way assist the manoeuvring of a vessel that is under the direction of a pilot shall comply with every direction given by the pilot.
18. The master of a vessel having on board a pilot shall take all reasonable steps to ensure that the pilot is not—
- (a) required to be taken into quarantine, whether ashore or afloat; or
  - (b) without the consent of the pilot, taken to sea or otherwise detained for any time beyond that reasonably required for the purposes of piloting the vessel.

Requirements when pilot on board.

Signals on pilot vessels.

Directions by pilot.

Detention of pilot to be avoided.

Pilotage and related charges.

19. (1) Where the services of a pilot have been used for a vessel other than—

- (a) a vessel of war; or
- (b) a vessel owned by any of Her Majesty's States or Colonies or the government of any country that is a member of the British Commonwealth of Nations, that is not engaged in trade or carrying goods under freight or charter,

the master and the owner of the vessel are jointly and severally liable to pay to the Harbour Master the charge set out in the Third Schedule that is appropriate to the tonnage of the vessel and the nature of the pilotage services concerned.

(2) Where—

- (a) contrary to regulation 13, the master of a vessel entering, departing from, or moving within, the Port is not under the direction of a pilot; or
- (b) the master of a vessel entering the Port failed to comply with a requirement of regulation 25,

the pilotage charges that would have been payable if the services of a pilot had been used for the vessel when so entering, departing or moving shall be payable.

(3) Where a pilot is detained at a vessel waiting for the vessel to be ready to leave its berth a charge of \$130 per hour or part thereof is payable in respect of that detention.

(4) Where a pilot is called out to attend a vessel in accordance with an application for pilotage and the vessel does not arrive at the pilot boarding ground specified by the Harbour Master at the time given or at all, a charge of \$400 per hour or part thereof is payable in respect of the detention of the pilot and pilot vessel for such period as the pilot is required to wait for the arrival of the vessel or, where the vessel does not arrive, for such period as the pilot reasonably waits.

(5) Where a pilot providing pilotage services for a vessel is—

- (a) required to be taken into and detained in quarantine, whether ashore or afloat; or
- (b) without the consent of the pilot, taken to sea or otherwise detained for any time beyond that reasonably required for the purposes of piloting the vessel,

whether or not an offence has been committed against regulation 18 and without affecting any penalty that may be imposed for such an offence, there is payable a charge of \$200 per day or part thereof in respect of such detention and, in addition thereto, any expenses incurred in returning the pilot to the Port shall be payable.

(6) The charges and expenses payable under subregulations (2) to (5) are payable and recoverable in addition to the charges, if any, under subregulation (1) and in like manner to charges under subregulation (1).

*Division 2—Pilotage exemption certificates.*

Application for pilotage exemption certificate.

20. Application for a pilotage exemption certificate may be made to the Harbour Master by a person who has, not less than 24 hours before making the application, given to the Harbour Master notice of his intention to make the application accompanied by a fee of \$50 and, in the case of an application for a pilotage exemption certificate relating to a coasting vessel or an interstate vessel, who—

- (a) is a natural born or naturalized subject of Her Majesty; and
- (b) has, within the 12 months immediately before the application is made, made not less than 3 trips into and out of the Port as the master or chief officer of a coasting vessel or an interstate vessel.

21. The Harbour Master shall examine a person who makes application in accordance with regulation 20 as to his knowledge of all matters concerning the navigation of vessels within the Port and, if he is satisfied that the applicant—

Issue of pilotage exemption certificate.

- (a) has sufficient knowledge of those matters to enable him to safely navigate a vessel—
  - (i) in the case of a pilotage exemption certificate relating to a coasting vessel or an interstate vessel, into and out of the Port;
  - (ii) in the case of a pilotage exemption certificate relating to a vessel referred to in regulation 13 (2) (b), into and out of and within the Port,
 without using the services of a pilot;
- (b) has, within the 12 months before the application is made, passed an eyesight test that the Harbour Master considers satisfactory; and
- (c) is otherwise a fit and proper person to hold the pilotage exemption certificate for which application is made,

may grant and issue to the applicant a pilotage exemption certificate.

22. (1) Subject to regulations 23 and 24, a pilotage exemption certificate remains in force only while the holder has, within the immediately preceding period of 12 months, passed an eyesight test that the Harbour Master considers satisfactory.

Periodic eyesight test.

(2) The result of an eyesight test required by regulation 21 (b) or subregulation (1) and the date on which it was conducted shall be endorsed on the pilotage exemption certificate for the purposes of which it was passed.

23. A pilotage exemption certificate ceases to have effect if the holder—

Expiry through disuse.

- (a) has not, within the immediately preceding period of 6 months, made at least one trip into and out of the Port as the master or chief officer of a vessel of the kind to which the pilotage exemption certificate relates; or
- (b) does not, upon request, produce to the Harbour Master satisfactory evidence that he has fulfilled the requirements to avoid his pilotage exemption certificate ceasing to have effect under paragraph (a).

24. (1) The Harbour Master may suspend a pilotage exemption certificate by notice given to the holder if he is of the opinion that, by reason of—

Suspension.

- (a) the carrying out of construction work in the Port;
- (b) the alteration of the dredged area of the Port; or
- (c) any other similar change in circumstances,

since the person holding the pilotage exemption certificate last navigated a vessel as mentioned in regulation 21 (a) without using the services of a pilot, that person might not be able to safely so navigate a vessel without using the services of a pilot, and while so suspended a pilotage exemption certificate is of no effect.

(2) A person holding a pilotage exemption certificate that is suspended under subregulation (1) may, without paying any fee therefor, request the Harbour Master to examine him as provided by regulation 21 and the Harbour Master shall thereupon so examine that person and, if he is satisfied as provided in that regulation, shall terminate the suspension.

25. The master of a vessel entering the Port without using the services of a pilot who would, but for his being the holder of an appropriate pilotage exemption certificate, be required to use the services of a pilot for the purposes of entering the Port shall ensure that—

Signal to be displayed and clearance to be obtained.

(a) from the time that the vessel is within 5 nautical miles of the Port until the vessel berths—

- (i) by day, a white flag is so flown from the vessel as to be easily discernible from a reasonable distance;

- (ii) by night, a blue light is so exhibited as to ensure all round visibility for at least 2 nautical miles; and
- (b) before entering the Port clearance is obtained by radio from the Harbour Master to enter the Port.

#### PART IV—GENERAL CONDUCT WITHIN THE PORT.

Directions by  
Harbour  
Master.

26. (1) Subject to subregulation (2), the Harbour Master may give such directions as he considers necessary or expedient in the interests of safety or generally in the interest of shipping in and about the Port or otherwise for the maintenance of good order within the Port and, without limiting the generality of the foregoing, may—

- (a) give such directions as to him appear appropriate by reason of weather conditions, crowding, or other circumstances;
- (b) give directions as to the place where a vessel is to anchor, moor, or lie in the Port, or the berth that a vessel is to occupy;
- (c) direct the master of a vessel to move the vessel from any place in the Port to any other place in the Port;
- (d) direct the master of a vessel that is entering, departing from, or moving within the Port to engage the services of a tug or a specified number of tugs for that purpose.

(2) Where a vessel is berthed at a company wharf the Harbour Master shall, before exercising any power under these regulations in relation to the loading onto or unloading from the vessel of dangerous goods, or in relation to cargo operations on the vessel involving dangerous goods, consult with and have regard to the advice of the relevant management of that wharf unless, by reason of emergent circumstances, it would not be reasonably practicable to so consult.

(3) The master of a vessel or any other person to whom the Harbour Master gives a direction shall comply with the direction.

(4) Where the Harbour Master directs that a vessel be moved and the direction is not complied with, the Harbour Master may move the vessel at the risk and expense of the person to whom the direction was given and may, for that purpose and at the risk and expense of that person, break any chain, rope, or mooring line by which the vessel is secured.

(5) The Harbour Master or a person authorized by him may, at any time, board any vessel for the purposes of giving effect to these regulations.

(6) A person shall not, by word, deed, or otherwise, impede or obstruct the Harbour Master or any person authorized by the Harbour Master in the execution or carrying out of any function under these regulations.

(7) In exercising any power under these regulations the Harbour Master and any person authorized by the Harbour Master shall ensure that a company wharf is not obstructed or interfered with by the movement or placing of any vessel.

Mooring of  
vessels.

27. Subject to these regulations, where a vessel—

- (a) is fastened to any part of a wharf other than bollards or fastenings provided for the purpose; or
- (b) lies alongside a wharf and is not properly moored and fastened so as to relieve, so far as is practicable, the wharf from the weight of the vessel,

except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, the master and the owner of the vessel each commit an offence.

Port  
installations.

28. A person shall not trespass on, ride by, or make fast to, and shall not damage, injure, or otherwise interfere with, any port installation.

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29. Subject to these regulations, where a vessel—

Restricted areas.

- (a) approaches within 700 metres of the Woodside Product Terminal; or
- (b) approaches within 100 metres of the Woodside Slug Catcher Vent in Withnall Bay,

except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, the master and the owner of the vessel each commit an offence.

30. The master of a vessel within the Port—

Certain duties of master.

- (a) shall, upon demand, produce to the Harbour Master or a person authorized by the Harbour Master any certificate in respect of the vessel;
- (b) shall anchor, moor, or berth the vessel at the place appointed by the Harbour Master and not in any other place;
- (c) shall ensure that while alongside a wharf anchors are stowed in the hawse pipe;
- (d) shall not, except in accordance with a direction of, or pursuant to permission given by, the Harbour Master, permit the propeller of the vessel to be worked while the vessel is berthed at a wharf and shall, in any event, ensure before the propeller is worked that damage or injury to any person or property will not result therefrom;
- (e) shall not, except in unavoidable circumstances or with the permission of the Harbour Master, beach the vessel within the Port.

31. A person shall not, except with the permission of the Harbour Master, cut, cast off or otherwise interfere with any rope or tackle made fast or attached by, or at the direction of, the Harbour Master to any wharf or to any vessel occupying a berth.

Interference with mooring ropes.

32. (1) The master of a vessel berthed at a wharf shall ensure that, at all times while the vessel is so berthed—

Gangways.

- (a) the vessel is fitted with such gangways and manropes as the Harbour Master considers necessary for the safety and convenience of the public;
- (b) a safety net or other device that the Harbour Master considers suitable to prevent a person falling into the water from the gangway is provided for each gangway;
- (c) lights are provided capable of adequately illuminating every gangway fitted to the vessel and, from sunset until sunrise, those lights are kept on;
- (d) a watch is kept on each gangway;
- (e) a lifebuoy and line are kept alongside each gangway,

unless the Harbour Master otherwise permits or directs.

(2) A person who is not—

- (a) a member of the crew of the vessel;
- (b) the Harbour Master; or
- (c) a person authorized by the Harbour Master,

shall not board or leave, or attempt to board or leave, a vessel that is berthed or berthing at a wharf until a gangway has been properly fitted to the vessel, and a safety net or other device has been provided, in accordance with subregulation (1) (a) and (b).

(3) A person employed to control the use of a gangway fitted to a vessel berthed at a wharf shall not permit any person to leave or board, or to attempt to leave or board, a vessel before a gangway has been properly fitted to the vessel, and a safety net or other device has been provided, in accordance with subregulation (1) (a) and (b).

Watchman or other person to be on board certain vessels.

33. The master of a vessel exceeding 150 tons shall, unless the Harbour Master otherwise permits or directs—

(a) cause a watchman to be kept on duty on the deck of the vessel from sunset until sunrise; and

(b) cause one person to be on board the vessel from sunrise until sunset, whenever the vessel is in the Port.

Burning of fires and certain lights prohibited.

34. (1) The master of a vessel within the Port shall not, except with the permission of the Harbour Master, cause or permit any person to light a fire or use a flare-up lamp or naked light in any hold of the vessel.

(2) Without limiting the powers conferred by regulation 26 (5) the Harbour Master may board any vessel within the Port or enter any place to search for any fire, flare-up lamp, or naked light that he suspects may be burning contrary to these regulations, and may extinguish any fire, flare-up lamp, or naked light found to be so burning and may take such other measures as he considers necessary in the interests of safety.

Smoking.

35. A person shall not smoke in the hold of a vessel within the Port or, where the master of the vessel or the Harbour Master has directed that persons shall not smoke in any other part of such a vessel, in that other part of the vessel.

Outbreak of fire.

36. Where a fire breaks out on a vessel within the Port, the master of the vessel shall forthwith notify the Harbour Master or a person under the authority of the Harbour Master, and every person on board the vessel or under the authority of the master of the vessel shall render such assistance in extinguishing the fire and protecting other vessels or property as the Harbour Master directs.

Deposit or discharge of certain matter prohibited.

37. (1) The master of a vessel berthed at a wharf shall not cause or permit—

(a) the carcass of an animal or any refuse, debris, or rubbish from the vessel to be cast or deposited on the wharf;

(b) waste from any lavatory or any water to be discharged from the vessel onto any part of the wharf or steps attached to the wharf.

(2) The master of a vessel within the Port shall not cause or permit—

(a) the carcass of an animal or any refuse, debris, or rubbish from the vessel to be cast overboard; or

(b) any waste to escape into the water from the vessel if it is fitted with a sewage holding tank that is designed to hold such waste.

(3) The master of a vessel who commits an offence against this regulation is liable to pay to the Crown all expenses incurred by or under the authority of the Harbour Master by reason of the commission of that offence, and the Harbour Master may recover such expenses from that person in a court of competent jurisdiction as a debt due to the Crown.

Ballast.

38. The master of a vessel berthed at a wharf shall ensure that there is, at all times, a sufficient quantity of cargo or ballast on board to keep the vessel stable and capable of vacating the berth.

Accidents to be reported.

39. A person involved in an accident resulting in damage to a vessel or port installation within the Port or to other property within, or associated with, the Port shall ensure that the accident and, so far as it is known, the resulting damage are reported forthwith to the Harbour Master.

Speed.

40. The master of a vessel shall ensure that the speed of the vessel within the Port does not exceed the speed at which it is capable of being safely navigated.

Navigation of pleasure vessels.

41. (1) The master of a pleasure vessel within the Port shall ensure that the vessel does not impede the passage of a vessel of any other kind navigating within the Port and remains sufficiently clear of such other vessels to enable them to be safely navigated.



(2) Without limiting subregulation (1), the master of a pleasure vessel shall ensure that the vessel is at all times clear of vessels of any kind navigating in the anchorages, channels, and fairways.

(3) Without limiting the application of the Prevention of Collisions at Sea Regulations 1983, the master of a pleasure vessel who takes action to keep his vessel clear of another vessel in accordance with subregulation (1) or (2) shall ensure that such action is in accordance with those regulations.

42. The master of a vessel shall ensure that a person does not fish from the vessel in any of the channels, fairways, anchorages or prohibited anchorage areas and shall ensure that the vessel does not impede the passage of any vessel, not being a pleasure vessel, navigating within the Port. Fishing.

## PART V—HANDLING OF DANGEROUS GOODS.

### *Division 1—Interpretation.*

43. In this Part, unless the contrary intention appears—

Interpretation.

“cargo operations” means operations on board a vessel involving the handling, transfer, reliquefaction, or venting of cargo, ballasting or deballasting, or the management of residues from the cleaning of tanks;

“Chief Inspector” has the meaning given to that expression by section 7 (1) of the Explosives and Dangerous Goods Act 1961;

“classified pollutant” means any substance that is a noxious liquid substance within the meaning given to that expression by the regulations set out in Annex II to the International Convention for the Prevention of Pollution from Ships, 1973;

“dangerous goods vessel” means a vessel—

- (a) that has on board dangerous goods; or
- (b) that has had on board dangerous goods and that—
  - (i) has not been certified as mentioned in regulation 8 (2) (a) to be sufficiently free of those dangerous goods and gases and vapours resulting therefrom for the purposes of regulation 8 (2); and
  - (ii) the Harbour Master is not otherwise satisfied is, for the purposes of regulation 8 (2), sufficiently free of those dangerous goods and gases and vapours resulting therefrom;

“explosive” has the meaning given to that expression by section 7 (1) of the Explosives and Dangerous Goods Act 1961;

“flammable dangerous goods” means flammable liquid, flammable gas, or a substance that is—

- (a) declared under the Explosives and Dangerous Goods Act 1961 to be dangerous goods and classified under that Act as of Class 4; or
- (b) for the purposes of these regulations specified to be dangerous goods and classified as flammable dangerous goods under regulation 4;

“flammable dangerous goods vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable dangerous goods;

“flammable gas” means a substance that is—

- (a) declared under the Explosives and Dangerous Goods Act 1961 to be dangerous goods and classified under that Act as of Sub-class 2.1; or
- (b) for the purposes of these regulations specified to be dangerous goods and classified as flammable gas under regulation 4, and in the case of substances referred to in paragraph (a), includes those substances when being transferred from one container to another;

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“flammable gas vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable gas;

“flammable liquid” means any liquid substance that is—

- (a) declared under the Explosives and Dangerous Goods Act 1961 to be dangerous goods and classified under that Act as of Sub-class 3.1 or 3.2; or
- (b) for the purposes of these regulations specified to be dangerous goods and classified as flammable liquid under regulation 4;

“flammable liquid vessel” means a dangerous goods vessel where the dangerous goods concerned include flammable liquid;

“handle” means to load, unload, or carry out any other operation incidental thereto or arising therefrom;

“in bulk” means—

- (a) in relation to anything carried on a vessel, anything so carried in a container that is a structural part of, or is permanently fixed to, the vessel, without the use of any intermediate means of containment;
- (b) in relation to anything being loaded onto a vessel, anything that is loaded to be carried as mentioned in paragraph (a);
- (c) in relation to anything being unloaded from a vessel, anything that is unloaded after being carried as mentioned in paragraph (a);

“to inert” means, in relation to a tank or space, to introduce into that tank or space a sufficient volume of nitrogen or other gas that is not flammable to reduce the oxygen content of the atmosphere in the tank or space to not more than a half of the oxygen content necessary to support combustion and, in any case, not more than 8% by volume;

“liquefied flammable gas” means flammable gas that has been liquefied by pressure or cooling and includes both the liquid and gaseous phases;

“package”, in relation to dangerous goods, includes any means of encasing, covering, enclosing, containing, or packing dangerous goods that are not in bulk;

“tank” means a totally enclosed tank, space, or compartment that is suitable for use for the carriage of liquid or gas;

“wire gauze” means a gauze made of copper, brass, bronze, stainless steel, or monel metal wire that has a melting point of not less than 900° Celsius and that consists of—

- (a) a single layer having not less than 140 mesh per square centimetre; or
- (b) a double layer having not less than 62 mesh per square centimetre in each layer and having a distance of not less than 25 mm and not more than 30 mm between the layers.

*Division 2—Vessels and tanks.*

Classification of vessels carrying certain dangerous goods.  
Declaration for certain vessels.

44. The owner of a vessel shall ensure that flammable liquid or liquefied flammable gas is not carried on, or loaded into any tank on, the vessel when it is within the Port unless the vessel is classified for the purpose by an approved Classification Society.

45. (1) Where a vessel has or is intended to be loaded so as to have on board in bulk flammable liquid, the master of the vessel shall, at least 24 hours before the intended time of his entry into the Port or, where that is not practicable, as early as is practicable before entering the Port, send to the Harbour Master a declaration to the best of his knowledge and belief—

- (a) as to whether or not the vessel is free from tank leakages;

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- (b) where the vessel is fitted with an inert gas system, as to whether or not the system is fully operational and tanks have been inerted;
- (c) that the cargo systems and transfer equipment have been inspected and tested and as to whether or not they have been found to be free of leaks and operating correctly;
- (d) that stress calculations have been made for the intended programme of cargo transfer, ballasting, and bunkering and the hull stress calculated as resulting is within the safety limits subject to which the vessel has been classified as referred to in regulation 44.

(2) Where a vessel has or is intended to be loaded so as to have on board in bulk liquefied flammable gas, the master of the vessel shall, at least 24 hours before the intended time of his entry into the Port or, where that is not practicable, as early as is practicable before entering the Port, send to the Harbour Master a declaration, to the best of his knowledge and belief—

- (a) as to whether or not the vessel is free from tank leakages;
- (b) that the cargo systems, transfer equipment and reliquefaction or boil off control equipment have been inspected and tested and as to whether or not they have been found to be free of leaks and operating correctly;
- (c) as to whether or not the gas detection analysers are operating correctly;
- (d) that the cargo system emergency stops from all locations and associated alarms and interlocks have been tested and as to whether or not they have been found to be operating correctly;
- (e) that the tank high level alarms have been tested and as to whether or not they have been found to be operating correctly;
- (f) that the tank high and low pressure alarms have been tested and as to whether or not they have been found to be operating correctly;
- (g) as to whether or not the remote-operated valves are operating correctly;
- (h) as to whether or not the cargo tanks and lines are free of oxygen;
- (i) that stress calculations have been made for the intended programme of cargo transfer, ballasting, and bunkering and the hull stress calculated as resulting is within the safety limits subject to which the vessel has been classified as referred to in regulation 44.

(3) The master of a vessel who is required by subregulation (1) or (2) to make a declaration shall not, in that declaration, make any statement that he knows or has reason to believe is false or misleading in any material respect.

46. (1) The master of a vessel having on board flammable liquid or onto which flammable liquid is being loaded shall ensure that, in handling the flammable liquid, the requirements of the International Safety Guide for Oil Tankers and Terminal (1984 Edition) published by the International Chamber of Shipping are complied with in addition to the other requirements of these regulations.

Compliance  
with certain  
requirements.

(2) The master of a vessel having on board liquefied flammable gas or onto which liquefied flammable gas is being loaded shall ensure that, in handling the liquefied flammable gas, the requirements of the International Chamber of Shipping Tanker Safety Guide (Liquefied Gas) (1979 Edition) published by the International Chamber of Shipping are complied with in addition to the other requirements of these regulations.

47. (1) In this regulation the Rules for the Safe Transport, Handling and Storage of Dangerous Substances and Oils in Port Areas (1984 Edition) made by the Association of Australian Port and Marine Authorities are referred to as the rules.

Safety testing  
of certain  
vessels.

(2) Subject to subregulation (4), the master of a vessel shall not cause or permit ore in bulk to be loaded onto the vessel into tanks or spaces in which flammable liquid has previously been carried unless he first obtains a Certificate of Test in accordance with the rules from an approved person, to the effect that—

- (a) the appropriate standard safety designation of the tanks or spaces into which the ore is to be loaded is, in accordance with the rules, "Safe for Men—Safe for Hot Work";

- (b) the appropriate standard safety designation of every other tank or space on the vessel is, in accordance with the rules, "Safe for Men—Safe for Hot Work" or "Not Safe for Men—Safe for External Hot Work Only"; and
- (c) every such other tank or space on the vessel has been inerted or filled with water.
- (3) The Harbour Master may exempt the master of a vessel from the requirements of subregulation (2) if he is satisfied that—
- (a) flammable liquid has not been carried in the tanks or spaces into which the ore is to be loaded during the last 3 voyages on which cargo has been carried in those tanks or spaces; and
- (b) since flammable liquid was last carried in the tanks or spaces they have been properly cleaned and ventilated and a certificate as described and to the effect described in subregulation (2) (a) has been obtained from an approved person,
- and any such exemption may be given subject to the taking of such other precautions as are specified by the Harbour Master.
- (4) An exemption under subregulation (3) shall have effect according to its tenor.
- (5) Application to the Harbour Master for an exemption under subregulation (3) may be made in writing setting out a description of the cargo carried on each of the last 3 voyages and the dates on which they were loaded and the application shall be accompanied by a copy of the certificate referred to in subregulation (3) (b) that the Harbour Master is satisfied is authentic.

*Division 3—General safety measures.*

Warning notice.

48. (1) Where a flammable dangerous goods vessel is berthed or moored within the Port, the master of the vessel shall ensure that there is posted at the foot of each gangway, if any, fitted to the vessel and any other point of access to the vessel a notice board bearing the words

NO ADMITTANCE  
—DANGER  
NO SMOKING  
NO NAKED LIGHTS

in red letters not less than 150 millimetres high against a white background.

(2) A notice board required by subregulation (1) shall, by night, be illuminated by a white light of an approved design.

Readiness to depart.

49. Where a flammable dangerous goods vessel is berthed within the Port, the master of the vessel shall ensure that the main engines and other essential machinery of the vessel are at all times maintained in a state of readiness for leaving the berth at short notice.

Manning.

50. Where a flammable dangerous goods vessel is berthed within the Port, the master of the vessel shall ensure that the vessel is at all times adequately manned for firefighting and for vacating the berth in the event of an emergency arising.

Torches and lamps.

51. A person shall not use on a flammable dangerous goods vessel a hand torch or portable lamp, whether electric or otherwise, that is not of a type classed by an approved authority so as to indicate that it is suitable for use in a vapour laden atmosphere capable of ignition.

Wandering electric leads.

52. A person shall not use on a flammable dangerous goods vessel any portable equipment or lamp that is on a wandering electric lead.

Other sources of ignition.

53. A person shall not, while on the open deck of a flammable dangerous goods vessel, carry any matches, mechanical lighter, or other appliance capable of producing ignition.

54. Without limiting regulation 35, a person shall not smoke while on the open deck of—

- (a) a flammable dangerous goods vessel; or
- (b) a vessel that is alongside a flammable dangerous goods vessel.

55. The master of a flammable dangerous goods vessel shall ensure that there is not stowed on or adjacent to the cargo area or weather deck of the vessel any rags, waste, or other material liable to spontaneous combustion.

Materials liable to spontaneous combustion.

56. The master of a flammable liquid vessel or flammable gas vessel shall not cause or permit any chipping, scraping, or hammering of iron or steel on the vessel except in a place where smoking is, or boiler or galley fires are, permitted.

Certain work on metal.

57. The master of a flammable liquid vessel or flammable gas vessel shall ensure that, when cargo tanks are being loaded, ullaged, or sampled, appropriate precautions are taken against static electricity.

Static electricity.

58. (1) The master of a vessel shall ensure that, before commencing and throughout any cargo operations involving flammable gas on the vessel, effective measures are taken to prevent the entry of flammable gas into air conditioning intakes on the vessel.

Air conditioning.

(2) The master of a flammable gas vessel berthed in the Port shall ensure that, while the vessel is so berthed, a window-type air conditioning unit that contains an electric motor, switch, or other device that may produce a spark capable of igniting flammable gas drawn in through the unit, is not used.

59. The master of a flammable dangerous goods vessel shall ensure that—

- (a) while the vessel is berthed in the Port neither the main transmitting aerial nor the radar scanner is energised unless the permission of the Harbour Master has been first obtained;
- (b) while flammable dangerous goods are being carried on or loaded onto the vessel, telephone or portable radio equipment is not used on the vessel unless—
  - (i) it has been classed by an approved authority so as to indicate that it is suitable for use in a vapour laden atmosphere capable of ignition;
  - (ii) evidence in the form of a certificate or mark is able to be shown on request confirming that it is so classed; and
  - (iii) the equipment is maintained in good order.

Use of radio equipment or radar scanner.

60. The master of a vessel shall, periodically while the vessel is in the Port, check the quantities of cargo, ballast, and bunkers on board the vessel to ensure that no leakage is taking place of dangerous goods or ballast contaminated with dangerous goods.

Periodic checks.

61. The master of a vessel shall ensure that all deck pipelines, valves, hoses, and sea valves are free of leakage and are used in such a manner as to prevent the escape of dangerous goods therefrom.

Avoidance of leakage.

62. The master of a dangerous goods vessel shall—

Valves.

- (a) on request, inform the Harbour Master as to the location on the vessel of every sea inlet and overboard discharge valve; and
- (b) ensure that, when they are not in use, the valves referred to in paragraph (a) are properly closed and lashed or otherwise adequately secured.

63. (1) The master of a dangerous goods vessel that is fitted with arrangements for closed loading and discharging shall ensure that every ullage plug or sighting port opening is, as far as is practicable, kept closed and properly seated but is not secured, except when it is required to be open for the purpose of sighting, gauging or sampling a tank.

Ullage plug and other openings.

- (2) The master of a dangerous goods vessel shall ensure that, while a tug or other vessel is alongside the vessel, a person does not open any ullage plug, cargo hatch, vent, or other cargo opening.
- Alternative escape route. 64. The master of a dangerous goods vessel berthed at a wharf shall ensure that the outboard side accommodation ladder or lifeboat is turned out as an alternative means of escape.
- Gangway. 65. The master of a dangerous goods vessel shall ensure that—
- (a) as far as is practicable, the gangway or, where there is more than one gangway, at least one gangway is positioned near to the vessel's accommodation and clear of cargo arms and shore manifolds; and
  - (b) barricades are so placed as to keep the crew and other persons clear of the manifold areas on the vessel and the wharf.
- Towing wires. 66. The master of a dangerous goods vessel berthed in the Port shall ensure that, whenever dangerous goods are being handled, the vessel is provided with towing wires that are—
- (a) of sufficient strength to be used to tow the vessel;
  - (b) secured to the offside bow and quarter bollards; and
  - (c) so positioned and tended that the towing eyes have sufficient scope to be readily secured to by a tug.
- Firefighting equipment. 67. The master of a dangerous goods vessel shall ensure that—
- (a) at all times while the vessel is within 700 metres of the Woodside Product Terminal or is berthed at a wharf or is handling dangerous goods—
    - (i) fire hoses complete with nozzles have been run out fore and aft, connected up, and are ready for immediate use;
    - (ii) the vessel's supply of water for firefighting is available; and
    - (iii) the vessel's firefighting equipment is otherwise ready for immediate use; and
  - (b) at all times while the vessel is berthed at a wharf, in addition to the requirements of paragraph (a)—
    - (i) the vessel's International Ship-Shore Fire Connection is connected to the fire hydrant of the vessel that is nearest to a gangway; and
    - (ii) a hose is connected between the vessel's International Ship-Shore Fire Connection and a shore hydrant.
- Outbreak of fire. 68. (1) Without limiting regulation 36, where a fire breaks out on a dangerous goods vessel the master of the vessel shall, subject to any direction given by the Harbour Master, take immediate action to extinguish or contain the fire.
- (2) Where the alarm is sounded to indicate that there is a fire on board a dangerous goods vessel berthed at a wharf, the master of every vessel berthed at that wharf, including the vessel on which the fire has broken out, shall ensure that—
- (a) all cargo operations on board the vessel are forthwith ceased; and
  - (b) preparation is made to disconnect arms or hoses and be ready to leave the berth.
- Classified pollutants. 69. The master of a vessel shall ensure that classified pollutants are not discharged overboard from the vessel except where, in emergent circumstances, the Harbour Master permits their being discharged overboard.

*Division 4—Handling of cargo.*

- Intervention by Harbour Master. 70. (1) Subject to regulation 26 (2), the Harbour Master may direct that the loading onto, or unloading from, a vessel of dangerous goods be postponed or discontinued if, in his opinion, it is not in accordance with these regulations, and where loading or unloading has been so postponed or discontinued at the direction of the Harbour Master it shall not be commenced or resumed, as the case may be, until the Harbour Master or a person authorized by him gives his approval thereto.

(2) The master of a dangerous goods vessel shall ensure that all operations involving the handling of cargo, bunkers, ballast, stores, or provisions are carried out under the personal supervision of competent persons who are at all times available to act in response to an emergency that may arise or in response to any direction that he may be lawfully given.

(3) The Harbour Master may notify a person who is supervising operations on a vessel under subregulation (2) or the master of the vessel concerned that in his opinion the person so supervising is not competent for the purpose and upon such notification that person is to be taken not to be a competent person within the meaning of subregulation (2).

(4) Without limiting subregulation (1), where the Harbour Master gives notification under subregulation (3) that in his opinion a person is not competent to supervise operations involving the loading or unloading of dangerous goods, the Harbour Master may give a direction under subregulation (1) that the loading or unloading be discontinued.

71. The master of a vessel shall ensure that where dangerous goods are being handled at any time from sunset until sunrise, floodlighting of an approved type is provided so as to give ample light for all operations. Floodlighting.

72. The master of a vessel shall ensure that liquid dangerous goods are not loaded overall except where the Harbour Master, by reason of special circumstances, so approves. Overall loading.

73. (1) The master of a dangerous goods vessel shall ensure that the pump room or, if there is more than one, each pump room, is— Pump and compressor rooms.

(a) efficiently ventilated so that any dangerous gas present is removed; and

(b) kept free of liquids that might otherwise accumulate in the pump room bilges.

(2) The master of a dangerous goods vessel shall ensure that persons who are not authorized in that behalf do not enter any pump room or compressor room, and shall ensure that there are provided in a convenient position near the door of each such room—

(a) suitable protective clothing;

(b) a self-contained breathing apparatus; and

(c) a lifeline.

(3) The master of a dangerous goods vessel that has a gas detecting system fitted in the pump room shall, before commencing any cargo operations, ensure that the system is tested and is in working condition.

74. The master of a vessel in any hold space of which is situated a tank used for containing liquefied flammable gas shall ensure that every opening to such a hold space is kept securely closed and gas tight. Holds to be sealed.

75. The master of a vessel shall ensure that every cargo or bunkering connection for use for loading, unloading or bunkering dangerous goods that is not to be so used while the vessel is in the Port is properly closed and, where it is a manifold connection, is also secured by an effective blank flange. Connections to be closed.

76. The master of a vessel shall ensure that, while cargo operations involving flammable liquid are in progress— Protection of openings in use.

(a) every tank opening is kept securely closed and gas tight except as is otherwise necessary for the loading or unloading of flammable liquid; and

(b) any ullage plug that it is necessary to open is forthwith fitted with clean wire gauzes or is provided with other effective means of preventing the ignition of flammable liquid or vapour.

77. The master of a vessel shall ensure that, while cargo operations involving flammable liquid are in progress— Exclusion of vapours.

(a) all ports and doors in the amidships house and poop area are at all times kept closed; and

Certain preliminary requirements.

- (b) all ventilators are suitably trimmed and the covers of engine room, boiler room, and galley skylights are suitably adjusted so that, having regard to prevailing conditions, the entry of vapour will be avoided.
78. (1) The master of a vessel shall ensure the loading onto, or unloading from, the vessel of flammable liquid is not commenced until—
- (a) agreement has been reached between the persons on the vessel and those on the shore who are responsible for the loading or unloading upon a plan for the procedures to be followed;
  - (b) an effective barricade has been erected on the wharf to prevent access to the vessel or pipeline hose connections by unauthorized persons;
  - (c) satisfactory provision has been made for watchmen to be in attendance—
    - (i) to prevent the unauthorized entry of persons onto the vessel;
    - (ii) to take possession from persons about to board the vessel of matches, mechanical lighters, and other appliances capable of producing ignition; and
    - (iii) generally to assist in complying with these regulations and to carry out such directions as may be given under these regulations; and
  - (d) all persons concerned in the loading or unloading fully understand the stand-by requirements for normal stopping of shore pumps on completion of loading or unloading and the emergency stop procedures applicable to both the vessel and the terminal.
- (2) A barricade shall be taken not to comply with the requirements of subregulation (1) (b) unless—
- (a) it encloses an area of the wharf extending to at least 30 metres beyond each end of the vessel concerned and to at least 30 metres measured from, and at right angles to, the side of the vessel that is closest to the wharf; and
  - (b) it is erected and maintained by, under the authority or under and in accordance with the direction of, or otherwise to the satisfaction of, the Harbour Master.
- (3) Provision made for watchmen shall be taken not to comply with the requirements of subregulation (1) (c) unless it is made by, under the authority or under and in accordance with the direction of, or otherwise to the satisfaction of, the Harbour Master.
- (4) Where a vessel is to be loaded with, or unloaded of, flammable liquid, the master of the vessel shall ensure that, before loading or unloading is commenced, a box or satchel on which the words "Emergency Documents", in black letters, are clearly displayed is placed on the wharf in a prominent and readily accessible position at least 30 metres from the vessel and that the box or satchel contains—
- (a) details of the plan referred to in subregulation (1) (a), including particulars of relevant times, sequences, and rates;
  - (b) a list of the characteristics of—
    - (i) the cargo, if any, on board the vessel; and
    - (ii) the flammable liquid to be handled,
 and details of the position where it is or, as the case may be, is to be stowed;
  - (c) a crew list, including reference to persons joining or leaving the vessel while it is in the Port; and
  - (d) a plan of the general arrangement of the vessel.



79. The master of a vessel shall ensure that loading onto, or unloading from, the vessel of flammable liquid is not commenced until—
- Further preliminary requirements.
- (a) where loading or unloading is to be through any manifold, drip trays of sufficient capacity to contain minor spillage are placed beneath each such manifold;
  - (b) all cargo hoses or arms have been properly fitted and rigged to prevent any stress beyond design limitations and all connections and couplings to flanges have been properly closed and secured;
  - (c) the master of the vessel is satisfied that all associated valves on board the vessel are correctly set;
  - (d) he has been advised that the necessary valves ashore have been correctly set; and
  - (e) checks have been completed in accordance with an approved safety check list.
80. The master of a vessel shall ensure that, at all times when flammable liquid is being loaded onto, or unloaded from, the vessel—
- Manning.
- (a) a sufficient number of competent staff and crew are in attendance on deck and in the control room to enable these regulations to be complied with;
  - (b) a sufficient number of competent engine room staff and crew are available to operate the main engines of the vessel and fire pumps or other firefighting appliances and equipment should the need arise;
  - (c) a sufficient number of competent staff and crew are available to ensure the safe execution of the loading or unloading and other related cargo operations and, in the event of an emergency, to move the vessel or take such other action as the circumstances may foreseeably require.
81. Where flammable liquid is loaded onto, or unloaded from, a vessel, the master of the vessel shall ensure that—
- Precautions during certain cargo operations.
- (a) at the commencement of, and at regular intervals during, loading or unloading checks are made to confirm that cargo is entering or, as the case may be, leaving only the appropriate tanks and flammable liquid is not escaping into any pump room or cofferdam or through any sea or overboard discharge valve;
  - (b) tanks are not, in the course of loading or subsequent cargo operations, filled or topped up to more than 98% of maximum capacity; and
  - (c) at all times during cargo operations—
    - (i) all pressure and vacuum relief valves and vent pipes are effectively protected by wire gauze; and
    - (ii) all scuppers and overside deck openings, if any, are effectively plugged.
82. (1) The master of a vessel engaged in cargo operations involving dangerous goods shall ensure that—
- Communication to be maintained.
- (a) 2 suitable independent telephone or VHF systems for communicating between the vessel and the shore are available; and
  - (b) throughout the cargo operations, all reasonable endeavours are used to maintain communication between the vessel and a responsible person on the shore by means of each of the 2 systems referred to in paragraph (a).
- (2) For the purposes of subregulation (1) (a), a VHF system is not suitable unless each unit is portable and is carried by a person nominated for the purpose of maintaining communication in accordance with subregulation (1) (b).

- Leakage and spillage. 83. The master of a vessel shall ensure that—
- (a) if any leakage or spillage occurs during the loading onto, or unloading from, the vessel of flammable liquid, the loading or unloading shall be forthwith stopped, all valves shall be closed, and the Harbour Master shall be forthwith notified; and
  - (b) if any leakage or spillage of oil or oily ballast water onto the deck occurs, scupper plugs are not removed and steps are taken forthwith to prevent oil or oily ballast water from going overboard.
- Cooking. 84. The master of a vessel shall ensure that, during cargo operations involving flammable gas or flammable liquid—
- (a) an open fire is not permitted on the vessel; and
  - (b) the use of cooking facilities is not permitted on the vessel unless they are designed, constructed, positioned, and maintained in accordance with the requirements subject to which the vessel has been classified as referred to in regulation 44.
- Certain work prohibited. 85. A person shall not, on a flammable dangerous goods vessel that is within the Port, heat any combustible matter, clean boilers or boiler tubes, or carry out any other work that involves a substantial risk of causing ignition on board the vessel.
- Use of boil-off as fuel. 86. The master of a vessel within the Port shall ensure that the boil-off from liquefied natural gas carried on the vessel as cargo is not burnt as fuel in the boilers of the vessel unless the gas-burning equipment and procedures used have been approved for the purpose by the authority which classified the vessel as referred to in regulation 44 and all of the safety precautions, if any, recommended by that authority to be observed in so burning boil-off are observed.
- Venting of liquefied natural gas. 87. The master of a vessel carrying liquefied natural gas shall ensure that, except in emergent circumstances or with the permission of the Harbour Master, liquefied natural gas vapour is not vented to the outside atmosphere while the vessel is within the Port.
- Use of tools. 88. The master of a vessel shall ensure that, where instruments or tools are required to be used on the vessel in connection with the handling of flammable liquids, they are used with the minimum of force necessary and that impact or other action by which a spark may be caused is avoided.
- Quantity checks. 89. Where flammable liquid is being loaded onto, or unloaded from, a vessel in bulk, the master of the vessel and the person on the shore responsible for loading or unloading shall, at regular intervals during the loading or unloading, check the pipelines and metal arm pressures and the estimated quantity of flammable liquid loaded or unloaded.
- Loading or unloading to be stopped. 90. (1) Where the master of a vessel onto which flammable liquid is being loaded, or from which flammable liquid is being unloaded, in bulk, or the person on the shore responsible for loading or unloading becomes aware by reason of a check required by regulation 89 or otherwise of any drop in pressure or substantial discrepancy between estimates of the quantities of flammable liquid loaded or unloaded, he shall forthwith cause loading or unloading to be stopped until the matter has been investigated and a satisfactory explanation has been found.
- (2) Where flammable liquid or flammable gas is being loaded onto, or unloaded from, a vessel, the master of the vessel and the person on the shore responsible for loading or unloading shall maintain a close watch on the loading arms or hoses during loading or unloading and if, in the opinion of either of those persons, an unsafe situation develops, he shall forthwith cause loading or unloading to be stopped.
- (3) Where flammable liquid is being loaded onto a vessel, the master of the vessel shall, if vapour accumulates on deck or any other situation develops that in the opinion of the master is or may become unsafe, forthwith request the person on the shore responsible for loading to stop loading.

91. The master of a vessel on which cargo operations involving flammable liquid are taking place shall ensure that precautions are taken to avoid surge pressures and reasonable care is taken to so adjust the cargo handling rate and to so operate valves that as far as possible pressure surges are not introduced into the cargo handling system. Pressure surges to be avoided.
92. The master of a vessel onto which has been loaded, or from which has been unloaded, flammable liquid in bulk shall ensure that, before connections to the shore pipeline are broken at the completion of loading or unloading the loading arms have been— Draining of arms before disconnecting.
- (a) completely and satisfactorily drained over their whole length of all flammable liquid; or
- (b) so isolated that no spillage occurs when the connections are broken.
93. The master of a vessel on which cargo operations involving flammable liquid has taken place shall ensure that, as soon as cargo operations are completed or for the time being stopped, every tank opening is securely closed and made gas tight. Openings to be closed upon completion of operations.
94. The master of a flammable gas vessel shall ensure that the vessel departs from the Port as soon as practicable but nothing in this regulation prevents the vessel from remaining in the Port as long as may be necessary for the purpose of taking on board stores or ballast or for such other purpose as may be approved in a particular case. Prompt departure from Port.
95. The master of a vessel shall ensure— Electric storms.
- (a) that any cargo operations involving flammable liquid or flammable gas that are taking place when an electric storm occurs are forthwith stopped, every cargo tank opening is securely closed and made gas tight, every ullage plug is securely fitted, and every gas venting system is secured; and
- (b) that cargo operations involving flammable liquid or flammable gas are not commenced or resumed until the storm has passed.
- Division 5—Dangerous goods in packages.*
96. The master of a vessel shall ensure that dangerous goods in packages are not handled on the vessel while— Restriction on handling.
- (a) any nearby hatch is open; or
- (b) any other goods are being handled on the vessel, except with the prior approval of the Harbour Master.
97. (1) Where dangerous goods in packages are handled or stored— Weight and marking of packages.
- (a) on a vessel, the master of the vessel; or
- (b) on a wharf, the person on the wharf responsible for the handling or storage,
- shall ensure that every package so handled or stored conforms to subregulations (2) and (3).
- (2) The outside of a package containing dangerous goods shall be clearly marked or labelled in accordance with the International Maritime Dangerous Goods Code in the English language.
- (3) The weight of a package containing dangerous goods shall be in accordance with the International Maritime Dangerous Goods Code.
98. Every package containing dangerous goods shall be suitable and substantial having regard to the purpose for which it is used and shall be so constructed and closed that it completely encloses its contents on all sides. Substantial packages required.
99. Where the master of a vessel on which there is, or from which there has been unloaded, any package containing dangerous goods becomes aware of any damage to, or deterioration of, any such package, he shall forthwith notify the Harbour Master and cause the package to be removed from the vessel or wharf in accordance with the directions of the Harbour Master. Faulty packages.

## Unloading.

100. (1) The master of a vessel from which packages containing dangerous goods are unloaded shall ensure that—

- (a) before unloading commences, while unloading is taking place, and after unloading is completed, every hold containing such packages or from which such packages have been unloaded is thoroughly ventilated;
- (b) where any spillage occurs, the bilges are carefully cleaned, removing any liquid with hand pumps or suitable bailers and swabbing, and are then suitably ventilated; and
- (c) a fire or any light that it is not approved for the purpose is not permitted in, or in the vicinity of, a hold containing such packages or from which such packages have been unloaded until—
  - (i) an approved person has certified in writing that the hold has been tested in an approved manner and found to be, for the purposes of this Division, sufficiently free of dangerous goods and gases and vapours resulting therefrom; or
  - (ii) written approval has been obtained.

(2) The master of a vessel shall ensure that persons who are required to clean up in accordance with subregulation (1) (b) when spillage occurs are provided with suitable breathing apparatus.

## Ventilation of certain stowage places.

101. The master of a vessel shall ensure that every place on the vessel where packages containing flammable dangerous goods are stowed is properly and efficiently ventilated and that every ventilator used for that purpose is covered with wire gauze.

## Holds to be closed.

102. (1) The master of a vessel shall ensure that any hold that contains packages containing dangerous goods is, as far as practicable, kept securely closed and gas tight except when it is being cleaned or ventilated in accordance with these regulations.

(2) For the purposes of subregulation (1), a hold that has contained packages referred to in that subregulation shall be regarded as containing such packages until an approved person has, in relation to that hold, certified in writing as mentioned in regulation 100 (1) (c) (i).

## Precautions at night in certain cases.

103. The master of a vessel shall ensure that goods are not handled on that vessel during the period from sunset to sunrise if they are in the vicinity of dangerous goods in packages unless the approval of the Harbour Master has been first obtained and, where such approval has been obtained, the master of the vessel shall ensure that, at all times while those goods are being so handled—

- (a) every hold containing dangerous goods in packages is kept securely closed and gas tight; and
- (b) every hold containing the goods that are being handled is separated from any place on the vessel where gas from dangerous goods could reasonably be expected to be found by means of water tight and gas tight bulkheads, decks, closed and gas tight hatchways, or other adequate means.

*Division 6—Explosives.*

## Permission required.

104. The master of a vessel having on board explosives shall not, for any purpose, bring the vessel alongside a wharf or permit the vessel to lie in the Port within half a nautical mile of any wharf or other vessel unless with the permission of the Harbour Master.

## Explosives to be authorized or approved by Chief Inspector.

105. The master of a vessel shall ensure that—

- (a) explosives are not loaded onto, or carried by, the vessel in the Port unless the explosives are authorized explosives within the meaning of the Explosives and Dangerous Goods Act 1961 or a permit has been granted under section 15 (2) of that Act in respect of the explosives; and
- (b) explosives are not unloaded from the vessel in the Port unless the Harbour Master has advised that he is satisfied that to do so would not be contrary to the Explosives and Dangerous Goods Act 1961.

106. The master of a vessel shall ensure that explosives are not loaded onto, or unloaded from, the vessel during the period from sunset to sunrise except with the permission of the Chief Inspector. Permission required to handle at night.
107. The master of a vessel shall ensure that more than 2 kilograms of explosives is not carried on the vessel while the vessel is carrying or plying for passengers for hire or reward unless with the approval in writing of the Chief Inspector. Carriage on passenger vessels.
108. The master of a vessel shall ensure that— Compliance with certain requirements.
- (a) the loading onto, unloading from, and carriage on, the vessel of explosives is carried out in accordance with the International Maritime Dangerous Goods Code; and
- (b) the loading onto, or unloading from, the vessel of dangerous goods is carried out in accordance with the general requirements of the Chief Inspector and such particular requirements as may be imposed by the Chief Inspector or any other person who is an inspector within the meaning of the Explosives and Dangerous Goods Act 1961.
109. The master of a vessel shall ensure that the quantity of explosives unloaded from his vessel in the Port does not exceed the maximum amount for the time being approved by the Chief Inspector. Maximum quantity that may be unloaded.
110. (1) Nothing in this Division applies to or in relation to— Exemption.
- (a) explosives on vessels of war;
- (b) explosives on, or loaded onto, a vessel that—
- (i) are for use on the vessel for the purposes of complying with signalling requirements; and
- (ii) are, while the vessel is in the Port, kept in a magazine of an approved type and, where applicable, are segregated in accordance with subregulation (2).
- (2) Explosives referred to in subregulation (1) (b) that are of a kind referred to in subregulation (3) shall not be kept in the same magazine as explosives of any other kind referred to in subregulation (3) unless they are kept in separate and completely enclosed receptacles.
- (3) The kinds of explosives required by subregulation (2) to be segregated are—
- gunpowder  
rockets  
sound signal rockets  
blue lights  
Holmes lights  
Pyrotechnic signals of all sorts.

## PART VI—MISCELLANEOUS.

111. (1) A person who contravenes a provision of these regulations commits an offence. General offence and penalty.
- (2) A person who commits an offence under these regulations is liable to a fine not exceeding \$2 000.
112. It is a defence to a charge arising from the failure of the person charged to comply with a direction for the person charged to show that— Defence.
- (a) he had reasonable grounds for believing that compliance with the direction would have been likely to imperil his vessel, its cargo, or a person for whose safety the person charged was responsible; or
- (b) in the circumstances compliance was impracticable.
113. A member of the Police Force may, where he considers it necessary for the purposes of enforcing these regulations, board any vessel within the Port and search and inspect the vessel and any machinery, equipment, cargo or article that is on board the vessel. Police.

Repeal. 114. The Port of Dampier Regulations\* are repealed.

Transitional. 115. Without limiting the operation of the Interpretation Act 1984, a Pilotage Exemption Certificate or a Special Exemption Certificate issued under the regulations repealed by regulation 114 shall be taken to be a pilotage exemption certificate issued under regulation 21 and, where, it is immediately before the coming into operation of these regulations, for the time being suspended, it shall be taken to be so suspended under regulation 24.

#### FIRST SCHEDULE.

(Regulation 3).

##### *Outer pilot boarding ground.*

The area bounded by lines of latitude  $20^{\circ} 24' 00''$  S and  $20^{\circ} 24' 30''$  S and meridians of longitude  $116^{\circ} 44' 30''$  E and  $116^{\circ} 43' 00''$  E.

##### *Inner pilot boarding ground.*

The area bounded by lines of latitude  $20^{\circ} 30' 30''$  S and  $20^{\circ} 31' 00''$  S and meridians of longitude  $116^{\circ} 44' 00''$  E and  $116^{\circ} 43' 00''$  E.

#### SECOND SCHEDULE.

(Regulations 7, 8, 9 and 11)

Table 1—General port signals.

| column 1<br>Purpose of signal   | column 2<br>Description of signal   |
|---|---|
| 1. Pilot required   | By day—<br>(a) International Code Flag "G";<br>or<br>(b) the Pilot Jack.<br>By night, International Code Signal "G" by flashing.  |
| 2. Medical assistance required  | By day, International Code Flag "W".<br>By night, International Code Signal "W" by flashing.  |
| 3. Carrying dangerous goods or not sufficiently free of dangerous goods | By day, International Code Flag "B" not less than 900 mm square flown in a prominent position.<br>By night, a red light, positioned clear of all other lights, that is of such character and is so exhibited as to ensure all round visibility for a distance of at least 2 nautical miles. |

Table 2—Other signals

A vessel engaged in dredging or underwater operations, when restricted in her ability to manoeuvre, shall—

- (a) exhibit the lights and shapes prescribed in paragraph (b) of Rule 27 of the rules set out in the Prevention of Collisions at Sea Regulations 1983; and
- (b) in addition to the lights and shapes required by paragraph (a)—
  - (i) when an obstruction exists but the vessel is not blocking the channel, exhibit the lights and shapes prescribed in paragraph (d) of the Rule referred to in paragraph (a);
  - (ii) when the vessel is blocking the channel, exhibit 2 all-round lights in a vertical line the higher of which lights shall be red and the lower of which shall be green; or a black ball above a black cone in a vertical line.

\* Published in the *Government Gazette* on 27 October 1971.

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## THIRD SCHEDULE.

(Regulation 19 (1)).

## Pilotage charges.

## 1. Charges for pilotage of vessels entering or departing from the Port.

| Tonnage of Vessel<br>(in tons)            | Charge  |
|---|---|
| Not exceeding 20 000                      | 8 cents per ton but so that the minimum charge shall be \$660.00. |
| Exceeding 20 000 but not exceeding 30 000 | \$1 860.00  |
| Exceeding 30 000 but not exceeding 40 000 | \$2 035.00  |
| Exceeding 40 000 but not exceeding 50 000 | \$2 215.00  |
| Exceeding 50 000 but not exceeding 60 000 | \$2 300.00  |
| Exceeding 60 000                          | \$2 540.00  |

## 2. The charges for pilotage of vessels being moved within the Port—

- (a) For a vessel of not exceeding 1 000 tons .... \$200
- (b) For a vessel exceeding 1 000 tons .... \$275.

By His Excellency's Command,

R. G. COOPER,  
Clerk of the Council.

